

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JIM ROBERTS and STACY ROBERTS,)	
)	
Plaintiffs,)	
)	
vs.)	Civil Action No.:
)	
HARRISON K-9 SECURITY SERVICES,)	
LLC, a Nevada Limited Liability Company,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendant in the above-styled action, within the time and in the manner prescribed by law, hereby files its Notice of Removal pursuant to the provisions of 28 U.S.C. §§ 1441 et seq. and 28 U.S.C. § 1332, and shows the Court the following:

1. Plaintiffs filed a Complaint initiating suit on December 2, 2016 against Defendant in the Second Judicial District Court for the County of Bernalillo, State of New Mexico, which is within the Albuquerque Division of the United States District Court for the District of New Mexico. This action is entitled JIM ROBERTS and TRACEY ROBERTS, Plaintiffs, vs. HARRISON K-9 SECURITY SERVICES, LLC, a Nevada Limited Liability Company. and is numbered D-202-CV-2016-07571.
2. According to that Complaint, Plaintiffs are all residents of the State of New Mexico.
3. Defendant Harrison K-9 Security Services, LLC is a Nevada LLC.
4. Defendant alleges the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs, on the grounds that Plaintiff seeks to recover, at a minimum, \$72,191.57 and keep

“ownership and possession” of a protection dog worth \$50,000.00, as stated in Plaintiffs’ Rule 1-068 Offer of Settlement served on September 29, 2017, attached as **Exhibit 2**. Therefore, it is obvious from the Rule 1-068 Offer of Settlement that the amount in controversy exceeds \$75,000.00.

5. Plaintiffs claimed to seek “less than \$75,000.00” in its original Complaint, and previously made a demand of only \$50,000.00, with return of the dog Eyra to Defendant, less than five months before the Rule 1-068 Offer of Settlement. **Exhibit 3**.

6. New Mexico Rule of Civil Procedure 1-068 states in part:

If an offer of settlement made by a claimant is not accepted and the judgment finally obtained by the claimant is more favorable than the offer, the defending party must pay the claimant's costs, excluding attorney's fees, including double the amount of costs incurred after the making of the offer.

7. Thus, Plaintiffs’ demand of \$132,191.57 is a minimum settlement demand, and Plaintiffs anticipate recovering more than this amount at the trial of this case.

8. Pursuant to 28 U.S.C. § 1446(b)(3), the Rule 1-068 Offer of Settlement is a subsequent “amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable.” Therefore, this removal petition is timely and in compliance with federal law.

9. The United States District Court has original jurisdiction over this civil action because it is a controversy between citizens of different states and the matter in controversy exceeds \$75,000.00 exclusive of interest and costs. 28 U.S.C. § 1332.

10. At the present time, removal to this Court and Division is appropriate under 28 U.S.C. § 1441(b) and 1446(b)(3).

11. Pursuant to statute, a copy of this Notice of Removal will be promptly filed with the District Court for the Second Judicial Circuit, County of Bernalillo, State of New Mexico and served on all parties in interest.

12. Pursuant to statute, a copy of all process, pleadings, and other documents served upon Defendant in connection with that action JIM ROBERTS and TRACEY ROBERTS, Plaintiffs, vs. HARRISON K-9 SECURITY SERVICES, LLC, a Nevada Limited Liability Company, numbered D-202-CV-2016-07571 are attached hereto as **Exhibit 1**.

13. This Notice of Removal was filed within 30 days of service of the Rule 1-068 Offer of Settlement which was the first paper that indicated the amount in controversy exceeded \$75,000.00, rendering this matter removable pursuant to 28 U.S.C. § 1446(b)(3). Therefore, Defendant prays this case be removed to the United States District Court for the District of New Mexico.

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